

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU LLC,

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO
SAVERIN, DUSTIN MOSKOVITZ, ANDREW
MCCOLLUM, CHRISTOPHER HUGHES, and
FACEBOOK, INC.,

Defendants.

MARK ZUCKERBERG and
FACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional
Counterdefendants.

Civil Action No. 1:04-cv-11923 (DPW)

District Judge Douglas P. Woodlock

Magistrate Judge Robert B. Collings

PLAINTIFF'S MOTION FOR CONTEMPT

For the reasons fully set forth in the accompanying memorandum, Plaintiff hereby moves for an order awarding sanctions against Facebook Defendants for their refusal to produce documents relevant to a determination of the Facebook's present value. As explained in Plaintiff's moving papers, Defendants are obstructing the discovery process and withholding evidence in violation of this Court's March 31, 2006 Order that (1) granted Plaintiff's motion to compel Facebook Defendants to provide information or documents related to investments and financing for Facebook, Inc. (f/k/a Thefacebook, Inc.) and thefacebook.com (collectively,

“Facebook”) website in response to Plaintiff’s Interrogatory No. 9; (2) overruled Facebook Defendants’ relevance and confidentiality objections to producing information and documents related to the value of Facebook in response to Plaintiff’s Interrogatory No. 16; and (3) confirmed that Plaintiff is entitled to discovery of documents to determine the present value of Facebook.

CERTIFICATION UNDER L.R. 7.1(A)(2) and 37.1(B)

Plaintiff’s counsel certifies under L.R. 7.1(A)(2) and 37.1(B) that counsel for the parties conferred in good faith by telephone on April 28, 2006 and by letter on May 5, 9, and 12, 2006, but were unable to resolve the issues covered by this motion. Defendants Facebook, Inc., Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, and Christopher Hughes (“Facebook Defendants”) were represented during the conference by Monte Cooper of the Orrick, Herrington law firm. Plaintiff was represented by John Hornick of the Finnegan law firm. Counsel for Defendant Eduardo Saverin chose not to participate in the meet and confer.

The parties were unable to agree on the issues addressed in the meet and confer.

REQUEST FOR ORAL ARGUMENT

Plaintiff believes oral argument may assist the Court, and wishes to be heard on these issues.

PROPOSED ORDER

A proposed Order is submitted with this motion as Exhibit A.

Date: June 9, 2006

/s/ John F. Hornick

John F. Hornick (*pro hac vice*)

Margaret A. Esquenet (*pro hac vice*)

Troy E. Grabow (*pro hac vice*)

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Attorneys for Plaintiff and
Counterclaim Defendants

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on June 9, 2006.